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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,279	09/08/2003	Robert Hugo De Angelis		7135

7590 01/26/2005
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CANADA

EXAMINER

VY, HUNG T

ART UNIT	PAPER NUMBER
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2821

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/656,279	Applicant(s) DE ANGELIS, ROBERT HUGO	
	Examiner Hung T Vy	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on preliminary amendment filed on 1/18/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/8/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification has been checked to the extent necessary to determine the presence of possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6 and 19 are rejected under 35 U. S. C. § 102 (b) as being anticipated by Higgins et al, U.S. patent No. 6,218,995.

Claim 19, Higgins et al. discloses an RF telemetry unit comprising: incumbent metallic infrastructure 21, 24, 131(See column 2, line 10-35); a first RF radiating/receiving element 230 and a first metallic structure (see column 3, line 55-67, column 4, line 1-8 and fig. 12) placed physically closer to said first RF radiating/receiving element than the incumbent metallic infrastructure is (See fig. 12).

Claim 6, the methods of minimizing the effect on the performance of a give RF radiating/receiving element, since Higgins et al. disclose the product, it is inherent a product by process for performing the method is recited in the claims.

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20-23, and 25-26 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Higgins et al, U.S. patent No. 6,218,995 in view of Hill, U.S. Patent No. 5,818,390.

Claims 20-23, Higgins disclose all limitation of invention except for RF radiating/receiving element is a lot formed from material, thereby forming a first slot antenna. However, Hill discloses the slot antennas 12-14 (see fig. 3). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Higgins et al. to have a first and second a lot antenna as taught by Hill. The motivation for doing so would have been provide the slot antennas in order to have easily and cheaply attached to an antenna housing.

Claim 25, Hill discloses the cover 230 (See fig. 8 and column 3, line 53-54).

Claim 26, Hill discloses the dielectric 6 properties that do not adversely affect the performance of the radiating/receiving element (See column 4, line 25).

Claims 7-18, the methods of minimizing the effect on the performance of a give RF radiating/receiving element, since Higgins et al. and Hill disclose the product, it is inherent a product by process for performing the method is recited in the claims.

5. Claim 24 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Higgins et al, U.S. patent No. 6,218,995 in view of Johnson et al., U.S. Patent No. 5,056,107.

Regarding claim 24, Higgins disclose all limitation of invention except for the incumbent metallic infrastructure is that of a convention resource-measuring meter. However, Johnson et al. disclose incumbent metallic infrastructure is that of a convention resource-measuring meter (See fig. 2). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Higgins et al. to have a convention resource-measuring meter as taught by Johnson et al. The motivation for doing so would have been provide convention resource-measuring meter in order to have compact package.

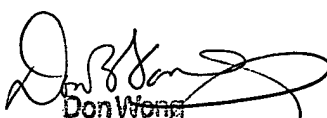
Conclusion

6. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist the examiner to locate the appropriate paragraphs.

Art Unit: 2821

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-7722 for After Final communications.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Don Wong
Supervisory Patent Examiner
Technology Center 2800

Hung T. Vy
Art Unit 2821.
January 20, 2005.